

REMARKS

This Amendment is submitted in response to the Office Action dated April 8, 2005, having a shortened statutory period set to expire July 8, 2005. Claims 1, 3-15 and 17-18 are currently pending.

Applicants note that in a telephone call placed on June 1, 2005, the Examiner stated that an "after-final" teleconference would not be granted. Nonetheless, if the Examiner believes that a telephone call to Applicants' undersigned legal representative would be helpful, such a call would be greatly appreciated.

REJECTIONS UNDER 35 U.S.C. § 103

In Paragraph 7 of the present Office Action, Claims 1, 4-10, 12-15, 17 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Morgan et al. (U.S. Patent No. 5,799,286 – "*Morgan*") in view of Reed et al. (U.S. Patent No. 6,088,717 – "*Reed*"). In paragraph 8 of the present Office Action, Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morgan* in view of *Reed*, and further in view of Minkiewicz et al. (U.S. Patent No. 6,073,107 – "*Minkiewicz*"). In paragraph 9 of the present Office Action, Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Morgan* in view of *Reed*, and further in view of Summerlin et al. (U.S. Patent No. 6,555,365 BA – "*Summerlin*"). Applicants respectfully traverse all of these rejections.

Morgan teaches an activity-based management system that associates costs associated with different enterprise sub-entities. *Reed* teaches computer communication between a provider and a consumer. *Minkiewicz* teaches a system for forecasting how long it will take to develop new object oriented program (OOP) software. *Summerlin* teaches a method for automatically classifying electronic documents for filing.

Applicants do not believe that *Morgan* or *Reed* teach or suggest all of the claimed features of the present invention. For example, with reference to exemplary **Claim 1**, the cited prior art does not teach or suggest a “headlight report including...potential catastrophes associated with the project.” (See Pages 31-32 of the present Specification.) The Examiner cites *Morgan*, col. 4, lines 5-11, which teaches “an on-line reporting feature 50, which may generate predefined or user-defined reports on a periodic basis or on demand. Examples of the many types of reports available may include trend, forecast, benchmark, site comparison, standard service, activity output, matrix, quality, and value-added reports.” There is no teaching or suggestion of potential catastrophes associated with the project.

The Examiner’s position appears to be that since *Morgan* teaches that reports can be “user defined,” then they could be directed to “potential catastrophes associated with a project.” The Examiner repeatedly states that “*Morgan* broadly disclosed...” Applicants point out that “broadest reasonable interpretation” applies to the scope of the pending claim, not the scope of the prior art (MPEP § 2111). The prior art must teach or suggest all the claim limitations (MPEP § 706.02(j)). Neither *Morgan* nor any of the other cited art suggests a report in which “potential catastrophes” are associated with a project for a report.

Morgan also fails under the legal concept of *ejusdem generis*, the rule of construction, generally accepted by all federal courts, that where general words follow enumerations of particular classes, the general words shall be construed as applicable only to things of the same general nature or kind as those enumerated (citations omitted). The types of reports available according to *Morgan* are “trend, forecast, benchmark, site comparison, standard service, activity output, matrix, quality, and value-added reports.” To consider “potential catastrophes” as being the same as the enumerated examples exceeds the boundaries of their meanings.

With regards to **Claim 3**, the cited art does not teach or suggest “evaluating the contribution of a member of an organization, wherein the evaluation...is based on a difficulty of a software project, and wherein the difficulty of the software project is based on a software timing.” On page 18 of the present Office Action, the Examiner equates “production rate” with “software timing.” “Software timing” has nothing to do with “production rate.” Rather,

software timing is determined by timing signals that coordinate activities within a computer system. This concept is properly supported in Table 35 on page 67 of the present specification, and the term "software timing" is well understood by those skilled in the art of programming.

Regarding **Claim 11**, the cited prior art does not teach or suggest "classifying a document and assigning a document review workflow to the document according to whether an originator of the document is a member of the organization." *Morgan* is cited at Col. 5, lines 28-31 for teaching "activity names or codes are collected in a master activity dictionary (classifying a document), which functions as a glossary of activities for all sites...," and at Col. 5, line 64 – Col. 6, line 5 for teaching "people mapping" that includes "management organization." *Summerlin* is cited for the teaching (col. 1, lines 8-11) that records can be classified as "evidence of the conduct of business processes." Thus, the Examiner appears to take the position that since records can be classified, and since people can be classified, then records can be classified according to the person who wrote it. Applicants dispute that the prior art suggests such a combination without the teachings of the present specification, which is not available as a "template" under *In re Fritch*, 23 USPQ2d 1780 (Fed. Cir. 1984). Furthermore, neither cited prior art teaches or suggests "assigning a document review workflow to the document according to whether the originator of the document is a member of the organization."

With reference to **Claim 18**, the cited prior art does not teach or suggest "determining a cause of a defect...by determining if one or more events occurred, the one or more events being from a group of events that includes a miscommunication between members of a software development team, a software transcription error, and inadequate training of the members of the software development team. (See Page 86 of the present Specification.) The Examiner states that "Morgan broadly disclosed that 'the cause of a defect' is mapped to events related to a group of event" (emphasis added), and appears to equate network surveillance, network testing, technical assistance, vendor interaction, configuration changes, and particularly problem resolution (cited in *Morgan*) as suggesting "miscommunication between members of a software development team, a software transcription error, and inadequate training of the members of the software development team." There is no suggestion in the cited art of all of the elements in rejected Claim 18. To suggest that a term such as "problem resolution" of *Morgan's* general

business operations covers all of these specifically claimed programming problems is contrary to Section 706.02(j) of the MPEP.

As the cited prior art does not teach or suggest all of the elements of the presently pending claims, Applicants respectfully request that all pending rejections be withdrawn, and a Notice of Allowance be issued.

CONCLUSION

Applicants now respectfully request a Notice of Allowance for all pending claims.

No extension of time for this response is believed to be necessary. However, in the event an extension of time is required, that extension of time is hereby requested. Please charge any fee associated with an extension of time as well as any other fee necessary to further the prosecution of this application to **IBM CORPORATION DEPOSIT ACCOUNT No. 09-0457**.

Respectfully submitted,



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